

Planning Commission Date: October 13, 2004

Item No.

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MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Kim Duncan

Public Hearing: Yes: X No:

Notices Mailed On: 10-1-04

Published On: 9-31-04

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TITLE: MAJOR TENTATIVE PARCEL MAP NO.MA2004-2

Proposal: A request for a major tentative parcel map to convert one industrial building to twenty-one (21) condominium ownership units at the Fleming Business Park.

Location: 991 Montague Expressway

APN: 086-31-059

RECOMMENDATION: Approval with Conditions

Applicant: Tim Nguyen, 2344 McKee Road, Ste 40, San Jose, CA 95116

Property Owner: Same

Previous Action(s): "S" Zone Approval and Amendment, Minor Tentative Parcel Map

Environmental: Exempt pursuant to Section 15301, Class 1(k)

General Plan Designation: Heavy Industrial

Present Zoning: Heavy Industrial with S-Zone Overlay ("M2-S")

Existing Land Use: Vacant industrial building

Agenda Sent To: Applicant and project manager

Attachments: Tentative Parcel Map, letter from applicant dated September 9, 2004

PJ No.s: 2380

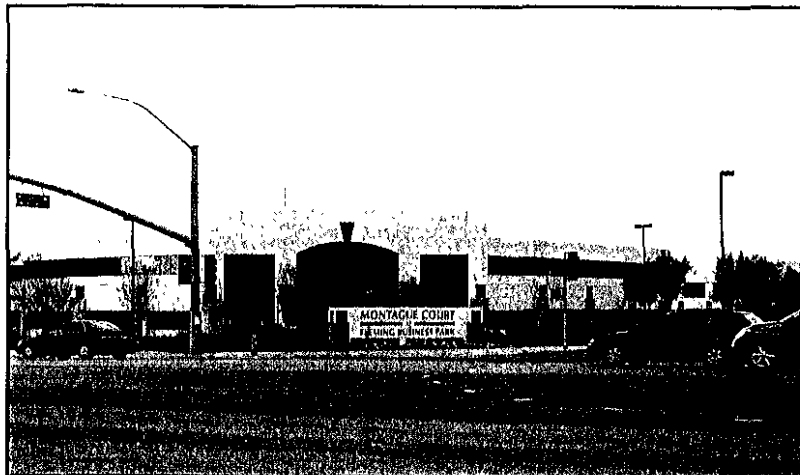
BACKGROUND

On December 18, 1980, the Planning Commission approved an “S” Zone application and adopted a Mitigated Negative Declaration (EIA No. 672) for development of the 69 acre Fleming Food site. The proposed development included four new research and development/office buildings (Buildings A, B, C & D) on two parcels located on the northeast corner of Montague Expressway and Interstate 680. Construction of the four research and development buildings was completed in 2000 and, subsequently, the Planning Commission approved a Minor Tentative Map for subdivision of the two parcels to four (4) parcels in 2002.

Site and Area Description

The project site consists of one 45,693 square foot two (2)-story vacant research and development building in the Fleming Business Park. Located on an approximately 116,688 square foot parcel at the northeast corner of Montague Expressway and Watson Court, primary access is provided by a private drive off Montague Expressway east of the parcel. The building has remained vacant since construction was completed in 2000.

Uses surrounding the project site include industrial buildings occupied by tenants such as McCabe’s Quality Foods, Graebel Van Lines and One Work Place to the north, a vacant chemical production plant to the west and vacant R&D buildings to the east. The parcel is bound on the south by Montague Expressway.



991 Montague Expressway looking northwest

THE APPLICATION

The application is submitted pursuant to Chapter 1 (Subdivisions), Section 4.00 (Tentative Maps) of the Milpitas Municipal Code.

The applicant is requesting a major tentative parcel map for condominium ownership purposes for an existing industrial building. As indicated on the tentative parcel map, the interior space of the building is proposed to be divided into twenty-one (21) units for individual sale as medical

offices. The sizes of the individual condominium units are proposed to be from 1,417 square feet to 3,595 square feet. No exterior site or building improvements/modifications are proposed with this application.

ISSUES

Conformance with the General Plan

The proposed project does not conflict with the General Plan and is consistent with Implementing Policies 2.a-I-3 and 2.a-I-7, which provide for opportunities to expand employment and promote business retention and encourage economic pursuits that strengthen and promote development through stability and balance. By creating condominium units within the building, the property owners are able to divide the interior and sell them individually. This allows the potential for smaller businesses to locate in the area that cannot afford to purchase and maintain the entire property or lease a larger space.

Conformance with the Zoning Ordinance

The project does not conflict with the Zoning Ordinance and is in conformance in terms of land use and development standards. The applicant is proposing to subdivide this industrial building into individual units for medical offices, which is a permitted use when found necessary to serve the industrial area in the Heavy Industrial (M2) District. Any future land uses would be subject to the permitted and conditional uses allowed in the Heavy Industrial (M2) District.

In regard to the development standards of the M2 district, the original development was approved in 1980 and built in conformance with the then-current standards of the M2 district. This major tentative parcel map application does not propose any new exterior site or building modifications to the existing development or the adjustment of existing lot lines. This major tentative parcel map application only affects the interior space of the building by partitioning the existing building. Each unit will have its own interior entrance and space. All units will share the parking, driveways, site access and other site amenities, which will be maintained by a property owner association and recorded as common areas.

Conformance with Parking Standards

When the Fleming Business Park was developed, parking was based on a 1 space per 300 square foot ratio for research and development uses. The applicant is proposing to subdivide this building into individual units for medical offices, which has a parking ratio of 1 space per 225 square feet. Based on ordinance requirements for parking, research/development use of this building requires 152 parking spaces and medical offices require 203 parking spaces. According to plans submitted by the applicant, there are 187 existing parking spaces provided on site, indicating a deficit of 16 spaces for medical office use. However, as a condition of approval for subdivision of 991 and 995 Montague Expressway in 2003, a cross parking agreement was required to address future tenants with uses which require additional parking than the ratio provided for research and development uses. The cross parking agreement was recorded on

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March 23, 2004. Therefore, staff believes the cross parking agreement will provide ample additional spaces required to accommodate medical office uses at this location.

Conformance with the State Subdivision Map Act & Subdivision Ordinance

With respect to approving the subject application, the Subdivision Map Act defers to local ordinance. The City's Subdivision Ordinance requires design and improvement consistency with the General Plan. As previously covered in the conformance with the General Plan section, the proposed Major Tentative Parcel Map is in conformance with General Plan.

Conformance with CEQA

The project is categorically exempt from further environmental review pursuant to Class 1 (k), Section 15301 ("Existing Facilities) of the Environmental Quality Act (CEQA) guidelines. This section exempts such projects as subdivisions of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.

RECOMMENDATION

Close the Public Hearing. Approve Major Tentative Parcel Map No. MA2004-2 based on the Findings and Recommended Special Conditions listed below:

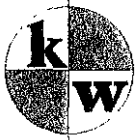
FINDINGS

1. The proposed project, as conditioned, does not conflict with the General Plan and is consistent with Implementing Policies 2.a-I-3 and 2.a-I-7, which provides for opportunities to expand employment and promote business retention and encourages economic pursuits that strengthen and promote development through stability and balance.
2. The proposed project does not conflict with Zoning Ordinance in terms of land use and development standards. The applicant is proposing to subdivide an existing building into 21 individual ownership units for medical offices. According to Sections 31.02-1 and 30.02-3.1, medical offices, clinics and laboratories are permitted when found necessary to serve and appropriate to the industrial area. In addition, no modifications to the building exterior or site are proposed. Therefore, the proposed project remains in compliance with the development standards and uses of the M2 district.
3. The proposed project is consistent with the State Subdivision Map Act and the Subdivision Ordinance in that it conforms to the local ordinance, Milpitas General Plan.
4. The proposed project is categorically exempt from further environmental review pursuant to Class 1 (k), Section 15301 ("Existing Facilities") of the State CEQA Guidelines in that there are no proposed physical changes to the existing industrial building for the subdivision that are not otherwise exempt.

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SPECIAL CONDITIONS

1. This approval is for Major Tentative Parcel Map No. MA2004-2 to create twenty-one (21) condominiums within the building located on parcel 86-31-059, as depicted on the Tentative Parcel Map dated October 13, 2004, and as amended by these conditions of approval. (P)
2. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
3. If, at the time of submittal for parcel map approval, there is a project job account balance due to the City for recovery of review fees, review of parcel map will not be initiated until the balance is paid in full. (P)
4. Prior to Condominium parcel map recordation, the applicant shall establish a property owner association. The association shall be responsible for the maintenance of the landscaping, walls, private streetlights, and common areas and facilities and shall have assessment power. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer. (E)
5. Prior to condominium parcel map recordation, the applicant shall prepare and submit condominium plans for City review. (E)
6. Property owner association/manager shall be responsible for the trash collection and recycling services account for all the individual owners of this property. Prior to occupancy permit issuance, the property owner association/manager shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial services:
 - a) An adequate level of service for trash collection.
 - b) An adequate level of recycling collection.After the building is occupied and the business has started, BFI commercial representative shall determine the adequacy of the solid waste level of services. If services found to be inadequate, the property owner/manager shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)
7. Make changes as noted on Engineering Services Exhibit "PT"(dated 8/15/2004) and submit a revised tentative map to the Planning Division. (E)



KIER & WRIGHT
Civil Engineers & Surveyors, Inc.

Job No. 96553-12
September 9, 2004

Ms. Kim Duncan
Project Planner
455 East Calaveras Boulevard
Milpitas, California 95035

RE: MONTAGUE COURT CONDOMINIUM CONVERSION
MILPITAS, CA

Dear Kim:

The purpose of the Major Tentative Parcel Map MA2004-2 is to convert the existing two-story building located at 991 Montague Expressway into 21 commercial condominiums.

Sincerely,

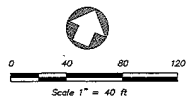
KIER & WRIGHT

Steve Calcagno

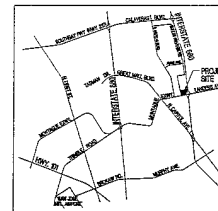
Steve Calcagno, P.E.

Enclosure

Approved By: _____ Date: _____



PARCEL SUMMARY	
PARCEL NO.	NUMBER OF UNIT
1	21



VICINITY MAP
NOT TO SCALE

TENTATIVE PARCEL MAP FOR CONDOMINIUM PURPOSES 'MONTAGUE COURT' CITY OF MILPITAS COUNTY OF SANTA CLARA STATE OF CALIFORNIA

NOTES

OWNER:	TERAL NORTON 991 MONTAGUE ESPY MILPITAS, CA 95033
SUBDIVIDER:	TERAL NORTON 991 MONTAGUE ESPY MILPITAS, CA 95033
ENGINEER:	KIER & WRIGHT 1020 DEANBY LANE SUITE 140 PLEASANTON, CA 94566
EXISTING USE:	INDUSTRIAL
PROPOSED USE:	MEDICAL OFFICE
WATER:	CITY OF MILPITAS
SEWERAGE:	CITY OF MILPITAS
STORM DRAINAGE:	CITY OF MILPITAS
GAS & ELECTRIC:	PG & E
TELEPHONE:	PACIFIC BELL
CABLE TV:	AT & T
EXISTING ZONING:	36-2
PROPOSED ZONING:	36-2
GROSS ACREAGE:	2.679 ± ACRES
SMALLEST LOT:	2,679 ± ACRES
EXISTING WELL:	NONE
DATUM:	CITY OF MILPITAS DATUM

LEGEND

---	BOUNDARY LINE
---	EASEMENT LINE
P.S.U.E.	PUBLIC SERVICE UTILITY EASEMENT
P.S.D.E.	PRIVATE STORM DRAIN EASEMENT
M.A.E.	MUTUAL ACCESS EASEMENT
T.E.	TRASH ENCLOSURE
SF	SQUARE FEET
(P)	NO. OF PARKING SPACES
(H)	NO. OF HANDICAP SPACES

LANDS OF JONES CHEMICALS INC.
(288 AC. 1960)

YOSEMITE DRIVE

PARCEL 1
(768 M 38-40)
2.679 ± ACRES
(116,688 ± SQ.FT.)

BUILDING TO REMAIN

PARCEL 2
755 M 85-20

PARCEL 2
768 M 38-40

PARCEL 2
723 M 38-40

(728 M 88-40)
PARCEL 3

MONTAGUE EXPRESSWAY
(WIDTH VARIES)

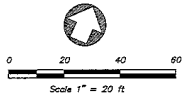
COURT
PLOTEN

WATSON
COURT

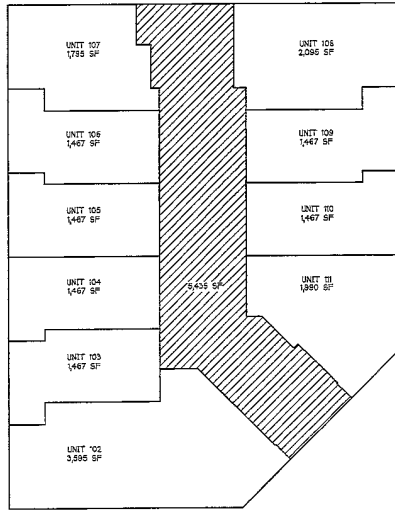
BLVD
MILPITAS

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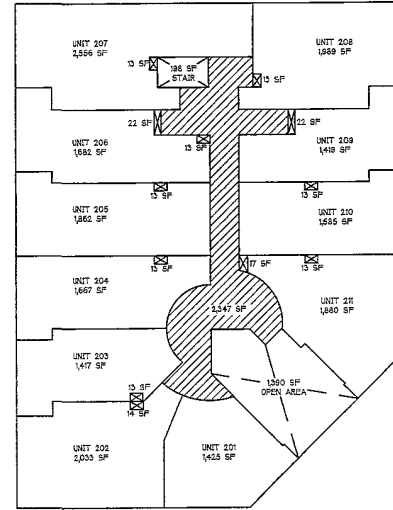
<p>TENTATIVE PARCEL MAP FOR CONDOMINIUM PURPOSES OF PARCEL 1 - MONTAGUE COURT FOR THOAI NGUYEN MILPITAS, CALIFORNIA</p>	<p>KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 1020 DEANBY LANE SUITE 140 PLEASANTON, CALIFORNIA 94566 Fax (925) 240-0608</p>
<p>DATE: SEPT. 2004 SCALE: 1" = 40' DESIGNER: SMC JOB NO.: 96555-12 SHEET: 1 OF 2 SHEETS</p>	



LOWER LEVEL



UPPER LEVEL



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TENTATIVE PARCEL MAP FOR CONDOMINIUM PURPOSES OF PARCEL 1 - MONTAGUE COURT FOR THOAI NGUYEN MILPITAS, CALIFORNIA		KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 1230 Quarry Lane, Suite 145 Pleasanton, California 94566 Tel (925) 246-6555 Fax (925) 246-6568	
DATE	SEPT. 2004	NO.	1
SCALE	1" = 20'	BY	REVISION
DESIGNER	SMC	NO.	1
JOB NO.	96553-12	BY	REVISION
SHEET	2	NO.	1
OF	2	BY	REVISION